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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,627	11/18/2003	Jeffrey A. Dahl	M297.12-0286	4333
27367	7590	06/15/2006	EXAMINER	
WESTMAN CHAMPLIN & KELLY, P.A.			BROWN, DREW J	
SUITE 1400			ART UNIT	
900 SECOND AVENUE SOUTH			PAPER NUMBER	
MINNEAPOLIS, MN 55402-3319			3616	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,627	DAHL ET AL.	
	Examiner	Art Unit	
	Drew J. Brown	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/27/06 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/27/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bares (U.S. Pat. No. 6,299,207 B1) in view of Sauermann (U.S. Pat. No. 6,557,893).

With respect to claims 1, 12, and 13, Bares discloses a control system for a work machine comprising a rigid frame (14), a cab (10) coupled to the rigid frame that defines an operator compartment, an operator platform (16) including an operator seat, a mounting bracket (26), an armrest (23) pivotally coupled to the mounting bracket at a pivot point, an operator actuable input assembly (20 and 26), a sensor (100) included in the mounting bracket and coupled to the input assembly and configured to provide a signal indicative of operator presence on an operator platform (column 3, lines 65-67 and column 4, lines 1-3), and a controller (112) operably coupled to the sensor and configured to receive the signal provided by the sensor, wherein the controller is further configured to manipulate a function of the work machine based on the signal (column 4, lines 22-31).

Bares does not disclose that the mounting bracket is attached to or coupled to a portion of the operator seat. However, Sauermann does disclose an armrest (2) that is attached to or coupled to a portion of an operator seat (3) via support (8 and column 5, line 15).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Bares in view of the teachings of Sauermann to attach the mounting bracket to the operator seat via a support so the armrest can be simultaneously adjusted with the seat (column 5, lines 20-23).

With respect to claims 3 and 17, the armrest includes a magnet (110).

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With respect to claims 4 and 18, the armrest is in an operating position if the magnet is in close proximity to the sensor (column 4, lines 22-31).

With respect to claim 5, the armrest (23) is perpendicular to the mounting bracket and parallel to the operator platform in the operating position (dotted lines in Figure 1).

With respect to claims 6 and 19, the armrest is in a non-operating position if the magnet is out of proximity from the sensor (column 4, lines 32-38).

With respect to claim 7, the armrest is pivoted in a direction upwards from the operating position when the armrest is in the non-operating position (Figure 1).

With respect to claims 8 and 20, a spring (66) is coupled to the armrest and configured to bias the armrest to an operating position and a non-operating position (column 3, lines 23-50).

With respect to claim 9, the sensor comprises a magnetic sensor.

With respect to claim 10, the magnetic sensor comprises a Hall-effect sensor (106).

With respect to claims 11 and 14, the at least one function is enabled and disabled by the controller (column 4, line 32-41).

With respect to claims 15 and 16, the sensor senses operator presence on the operator platform or an empty operator platform if the armrest is configured in an operating position or a non-operating position, respectively (column 3, lines 65-67 and column 4, lines 1-3).

Response to Arguments

3. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db



DAVID R. DUNN
PRIMARY EXAMINER